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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,242	01/28/2000	Alain Benayoun	FR998-073	1991

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EXAMINER

WOO, ISAAC M

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 04/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/493,242

Applicant(s)

BENAYOUN ET AL.

Examiner

Isaac M Woo

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yung (U.S. Patent No. 4,961,224).

With respect to claims 1, 11 and 14, Yung discloses the file manager (file server, computer C3, FIG. 1; col. 4, lines 13-17; col. 3, lines 27-32 and col. 9, lines 55-57) provided for locating a file (col. 4, lines 19-22) identified by a path referring to a logical unit and an identifier (30, header, FIG. 2, directory, col. 4, lines 46-50), comprising:

table (16, access log, FIG. 2 and col. 4, lines 13-16) for associating the file with a priority list (col. 4, lines 37-42) of physical units, see (col. 4, lines 46-57).

With respect to claim 2, Yung discloses the unit for modifying the priority list, see (col. 5, line 61-67 and col. 6, lines 20-31).

With respect to claims 3-4, Yung discloses that the table (16, access log, FIG. 2) defines attributes (22, 24, 26 and 28, FIG. 2) for each item of the priority list, see (col. 4, lines 31-37).

With respect to claim 5, Yung discloses that the table defines for the file a physical unit with a write attributes that differs from a physical unit with a read attributes, see (col. 6, lines 31-33).

With respect to claims 6-7, Yung discloses the unit for modifying the attributes, see (col. 6, lines 20-32).

With respect to claim 8, Yung discloses that the controller of peripheral devices in a computer system, comprising a file manager, see (file server, computer C3, FIG.1; col. 4, lines 13-17; col. 3, lines 27-32 and col. 1, lines 29-34).

With respect to claims 9-10, Yung discloses that the operating system of a computer system, comprising a file manager, see (col. 3, lines 27-32 and col. 9, lines 55-64).

With respect to claims 12, Yung discloses that the plurality of versions of the file with a common logical identification are savable, see (col. 3, lines 26-39).

With respect to claims 13, Yung discloses the modifying unit for modifying the priority list, to access any of the plurality of versions, see (col. 3, lines 39-51).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dan et al (U.S. Patent No. 6,223,206) discloses the system for improving load balancing in a file server.

Ermel et al (U.S. Patent No. 5,835, 094) discloses the file manager controls file to display.

Perks (U.S. Patent No. 5, 924,102) discloses the system and method for managing critical files in an information handling system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7201 for regular communications and (703) 308-6606 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

IMW  
March 5, 2002

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100